

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

ADAM X., BRIAN Y., CASEY Z., on
behalf of themselves and all others
situated, and the AMERICAN CIVIL
LIBERTIES UNION OF NEW
JERSEY, and the ARC OF NEW
JERSEY,

Plaintiffs,

v.

NEW JERSEY DEPARTMENT OF
CORRECTIONS, VICTORIA KUHN,
in her official capacity as Acting
Commissioner of the New Jersey
Department of Corrections, NEW
JERSEY DEPARTMENT OF
EDUCATION, and ANGELICA
ALLEN-McMILLAN, in her official
capacity as Acting Commissioner of the
New Jersey Department of Education,

Defendants.

Civil Action No.: 3:17-cv-00188-
FLW-LHG

**NOTICE OF MOTION TO
ENFORCE SETTLEMENT AND
AWARD POST-JUDGMENT
INTEREST ON NONPAYMENT
OF AWARDS AGREED TO IN
THE COURT-ORDERED
SETTLEMENT AGREEMENT**

PLEASE TAKE NOTICE Plaintiffs hereby move this Court for an Order awarding Plaintiffs, ADAM X., BRIAN Y., CASEY Z., and the AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY (collectively “Plaintiffs”), by and through their undersigned counsel and pursuant to Federal Rule of Civil Procedure 7(b) and Local Civil Rule 7.1, post-judgment interest for each of the \$5,000 incentive awards

for the pseudonymous individual named plaintiffs, as well as on the \$975,000 attorneys' fees agreed upon in the Settlement Agreement.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Plaintiffs shall rely on the accompanying Memorandum of Law; the Declaration of Elyla Huertas, Esq.; all pleadings and other documents on file in this action; and all matters of which the Court may or must take judicial notice.

Plaintiffs request that the Court decide this Motion on the papers submitted, without oral argument, pursuant to Rule 78 of the Rules of Civil Procedures.

Dated: December 1, 2022

Respectfully submitted,

s/ Elyla Huertas

Elyla Huertas

NJ Bar No. 248232017

Jeanne LoCicero

NJ Bar No. 024052000

AMERICAN CIVIL LIBERTIES

UNION OF NEW JERSEY

FOUNDATION

570 Broad Street, 11th Floor

P.O. Box 32159

Newark, NJ 07102

(973) 854-1725

ehuertas@aclu-nj.org

jlocicero@aclu-nj.org

Counsel continued on the next page

Rebecca J. Rodgers*

Erin Gallagher*

**DISABILITY RIGHTS
ADVOCATES**

655 Third Avenue, 14th Floor

New York, NY 10017

(212) 644-8644

rrodgers@dralegal.org

egallagher@dralegal.org

William C. Silverman*

Russell T. Gorkin*

PROSKAUER ROSE LLP

11 Times Square

New York, NY 10036

wsilverman@proskauer.com

rgorkin@proskauer.com

Attorneys for Plaintiffs

**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I, Elyla Huertas, certify that the foregoing Notice of Motion to Enforce Settlement and Award Post-Judgment Interest on Nonpayment of Awards Agreed to in the Court-Ordered Settlement Agreement, together with the accompanying Memorandum of Law and declaration were served electronically on all counsel by CM/ECF on December 1, 2022

s/ Elyla Huertas
Elyla Huertas